

CHARLOTTE COUNTY PLANNING AND ZONING BOARD
REGULAR MEETING
Administration Center, 18500 Murdock Circle, Room 119, Port Charlotte, Florida

Board Members

Michael Gravesen, Chair
Paul Bigness, Vice-Chair
Stephen Vieira, Secretary
Don McCormick
Kenneth Chandler



District

District V
District III
District I
District II
District IV

MINUTES
REGULAR MEETING

February 10, 2020 at 1:30 P.M.

Call to Order

Chair Gravesen called the meeting to order at 1:30 p.m.

Roll Call

Upon the roll being called it was determined a quorum was present.

Approval of Minutes – January 13, 2020 Regular Meeting

The January 13, 2020 minutes were approved as circulated.

Chair Gravesen made a comment stating that at the January 13, 2020 Planning and Zoning Board Meeting Mr. Trepal, Planner, Principal, answered a question about the height limits of 150 feet. The PD Zoning does not have a height limit; however, PD Zoning is conditionally based zoning. Petitioners generally make arrangements through negotiating with the County as to what height they might want if it is higher than what is in the normal zoning code depending on the use. I was left with the impression they could go to any height they might want with out any conditions. The petition for Riverwalk in the Charlotte Harbor CRA, in the early 2000's; had conditions which were placed in the Code allowing an applicant to go up an additional 10 ft. for everything they would do, on a list of approved items. Sunseeker was able to get to 90 ft. with items that were already in the Code. In last month's petition, I did not catch any conditions that they were granting to the County for the privilege of going higher. (Petition Z-18-07-35). No corrections were made to the minutes.

Announcements

The oath was provided by Secretary Scott for those wishing to provided testimony.

PETITIONS

Audio Timestamp 1:33 p.m.

FP-20-01-05

Quasi-Judicial

Commission District IV

Charlotte County has requested Preliminary and Final Plat approval for a four-lot Minor Subdivision to be named, Toledo Blade Section One. The site is 173.31 acres, more or less, and is located north of El Jobean Road, south of U.S. Highway 41, east of the Como Waterway, and west of Collingswood Boulevard, in Section 12, Township 40S, Range 21E, in Commission District IV.

Steven Ellis, Planner, asked for the Boards acceptance as an expert in Planning; stating his qualifications were attached to the staff report; **Chair Gravesen** stated the Board accepted Mr. Ellis as an expert. Mr. Ellis provided the findings and analysis for Petition FP-20-01-05 with a recommendation of approval, based on the reasons stated in the staff report.

The Murdock Village Community Redevelopment Agency has requested preliminary and final plat approval for a four-lot minor subdivision to be named Toledo Blade Section One. The applicant intends on developing a four-lot minor subdivision on acreage formally known as Murdock Village. The impact of this plat is not sufficient to trigger school concurrency. There are no conditions of approval; therefore, Community Development recommends approval of FP-20-01-05.

Chair Gravesen asked Mr. Ellis to point out the four (4) lots on the PowerPoint; asking if the lots were on the mylar. **Mr. Ellis** stated the lots were on the mylar and pointed out the location of the lots for the Board.

Mr. Gravesen asked what the long strip shaped lot was for; with **Attorney David** explaining that the purpose for this plat is so the County can do phase closings; which are in the contract with Lost Lagoon. The strip lot goes between Toledo Blade and the canal and is roughly 6 acres; all their drainage goes through there. The other pieces divide up the main part that goes from Toledo Blade to Collingswood.

Questions for Staff

None offered.

Applicant's Presentation

None offered.

Public Input

- **Mr. Vieira** moved to close the public hearing, second by **Mr. Bigness**; with a unanimous vote.

Recommendation

Mr. Chandler moved that **FP-20-01-05** be sent to the Board of County Commissioners with a recommendation of Approval based on the findings and analysis in the staff report dated January 27, 2020, along with the evidence presented at today's meeting, second by **Mr. Vieira**; and carried by a unanimous vote.

Audio Timestamp 1:39 p.m.

PV-20-01-01

Legislative

Commission District II

Bruce Laishley is requesting to vacate a portion of Vista del Ciudad Subdivision including portions of Castillo Street and Charlotte Avenue, a total of 8.91 acres, more or less, as recorded in Plat Book 1, Page 48½, of the Public Records of Charlotte County, Florida, and located south and west of Taylor Road, north of U.S. Highway 41, and east of De Soto Street, in Section 17, Township 41, Range 23, in Commission District II.

Steven Ellis, Planner, **Mr. Ellis** received a late letter from the public and provided it to the Board for review. Mr. Ellis provided the findings and analysis for Petition **PV-20-01-01** with a recommendation of approval, based on the reasons stated in the staff report.

The applicant, Bruce Laishley on behalf of 321 Dynasty, LLC, intends to vacate a described portion of Vista del Ciudad Subdivision including portions of Castillo Avenue and Charlotte Street, converting it to a single acreage parcel of 8.91 acres, more or less. The 1925 recorded plat of Vista del Ciudad dedicated the streets and avenues to the public. No residents will be denied reasonable access to their property as a result of this vacation. All the affected utilities were notified; with no objection. The letter received was from Mr. William Dickenson a property owner to the north and west of the targeted site. He had concerns that further vacations might restrict access to the public. Mr. Ellis explained that it remains open to the north and access there remains. This vacation will only affect the applicant as he owns the property on both sides of the targeted ROW. Community Development recommends approval of PV-20-01-01.

Questions for Staff

Mr. Bigness asked to see where Mr. Dickenson's property was located; with the property being shown by Ms. Waksler, McCrory Law Firm.

Applicant's Presentation

Ms. Waksler, McCrory Law Firm representing Bruce Laishley on behalf of 321 Dynasty, LLC, stated the applicant owns all the lots in Blocks 12, 13 and 18; as well as six (6) adjacent lots in Blocks 14 and 17. All the streets west of the applicant's property were vacated years ago. This application will not affect lots to the west. There is access off Taylor Road and a platted ROW providing access to all of the properties to the east. There is ample access to the site from Taylor Road and Burnt Store Road. **Ms. Waksler** requested a recommendation of approval to vacate the plat.

Mr. Bigness asked if the RV Park is contiguous with this property; with Ms. Waksler stating the RV Park is contiguous but that this is a different owner and has nothing to do with the RV Park located to the south.

Public Input

- **Mr. Vieira** moved to close the public hearing, second by **Mr. McCormick**, with a unanimous vote.

Recommendation

Mr. McCormick moved that **PV-20-01-01** be sent to the Board of County Commissioners with a recommendation of Approval based on the findings and analysis in the staff report dated January 27, 2020, along with the evidence presented at today's meeting, second by **Mr. Vieira**; and carried by a unanimous vote.

Audio Timestamp 1:48 p.m.

SV-19-12-05

Legislative

Commission District IV

Trinity Lutheran Church of SWFL is requesting to vacate an unnamed alley running through Block 10, of the plat of McCall Town Lots Subdivision, a total of 0.46 acres, more or less, as recorded in Plat Book 1, Page 14, of the Public Records of Charlotte County, Florida, and located south of Seaboard Lane, north of Foxglove Lane, east of Sailors Way, and west of McCall Road, in Section 04, Township 41S, Range 21E, in Commission District IV.

Steven Ellis, Planner, Mr. Ellis provided the findings and analysis for Petition **SV-19-12-05** with a recommendation of approval, based on the reasons stated in the staff report.

Mr. Ellis explained the applicant seeks to vacate the portion of an unnamed alley running between lots 5 and 6 on the west side; and lots 7 and 8 on the east side. The remainder of the alley was previously vacated. The applicant owns all the property abutting both sides of the targeted ROW. The 1911 recorded plat of McCall Town Lot Subdivision contains no dedication. If approved the applicant would gain possession of the entire vacated ROW; as this segment was never developed no vehicular traffic would be affected; and no residents will be denied reasonable access to their property as a result. All pertinent departments have reviewed resulting in zero conditions. All affected utilities have been notified with no objections offered. Therefore, Community Development recommends approval of SV-19-12-05.

Questions for Staff

Mr. Bigness asked if this lot was recently cleared; with Mr. Ellis stated not according to the 2019 Google Earth map.

Applicant's Presentation

Bob Buie, agent for Trinity Lutheran Church stated the Australian Pines were cleared about two years ago.

Public Input

- **Mr. McCormick** moved to close the public hearing, second by **Mr. Chandler**; with a unanimous vote.

Recommendation

Mr. Chandler moved that **SV-19-12-05** be sent to the Board of County Commissioners with a recommendation of Approval based on the findings and analysis in the staff report dated January 27, 2020, along with the evidence presented at today's meeting, second by **Mr. Bigness**; and carried by a unanimous vote.

Audio Timestamp 1:52 p.m.

PA-19-11-36

Legislative

Commission District IV

An Ordinance pursuant to Section 163.3187(1)(C), Florida Statutes, adopt a small-scale Plan Amendment to change Charlotte County Future Land Use Map Series Map #1: 2030 Future Land Use, from Low Density Residential (LDR) to Office and Institutional (OI); for property located at 2691 Lakeshore Circle, in the Port Charlotte area, containing 0.56-acres±; Commission District IV; Petition No. PA-19-11-36; applicant: M & D Park, LLC; providing an effective date.

Z-19-11-37

Quasi-Judicial

Commission District IV

An Ordinance pursuant to Section 125.66, Florida Statutes, amending the Charlotte County Zoning Atlas from Residential Single-family-3.5 (RSF-3.5) to Office, Medical, Institutional (OMI); for property located at 2691 Lakeshore Circle, in the Port Charlotte area, containing 0.56-acres±; Commission District IV; Petition No. Z-19-11-37; applicant: M & D Park, LLC; providing an effective date.

Ken Quillen, Senior Planner, asked to be accepted as an expert in Planning based on the summary of his qualifications which are attached to the staff report labeled as Exhibit 1. Chair Gravesen stated the Board accepts Mr. Quillen as an expert witness.

Mr. Quillen stated he would provide one presentation for both **Unified Petitions PA-19-11-36 and Z-19-11-37**. Mr. Quillen provided the findings and analysis for both petitions stating that the subject property is located at 2691 Lakeshore Circle and behind 2852 Tamiami Trail also owned by the applicants. Lakeshore Circle runs parallel to Tamiami Trail and is the north eastly boundary to the US 41 Zoning District Overlay. The US 41 Zoning District Overlay was the Planning tool adopted in 2004 to allow redevelopment and expansion of commercial uses to the rear of properties along Tamiami Trail. The subject property is located in the Urban Service Area and within an Economic Corridor; running through a revitalizing neighborhood.

The applicant intends to develop a parking lot on the two lots. The applicant also owns commercial property to the south with 150 ft. of frontage along Tamiami Trail. The applicant does not want additional density or intensity at this time but simply wants to provide adequate off-street parking for the existing 6420 sq. ft. office building. The Planning Division recommends approval of this Small-Scale Plan Amendment and companion Zoning Map Amendment based on the findings and analysis documented in the staff report, the property owner's application, the existing and proposed land uses for subject property and the surrounding area; and Charlotte County's Comprehensive Plan.

Questions for Staff

Mr. Vieira asked if the parking lot is just to service the existing parking with no exit onto Lakeshore Circle or would the Code requirements force an exit onto Lakeshore Circle; with **Mr. Quillen** explaining our Codes would not require an exit onto Lakeshore Circle and that the applicant is not proposing any access to Lakeshore Circle. Our Code discourages access to residential streets. It is possible to get access if it is clearly shown to be needed and beneficial to the entire community or area. Public Works has not authorized any access onto Lakeshore Circle. Mr. Quillen explained that this is not a Planned Development Rezoning and we cannot condition a Zoning Map Amendment.

Mr. Chandler asked if the Community HOA had met with the applicant and or County to work this out; with **Mr. Quillen** explaining there is not an HOA in this area.

Applicant's Presentation

Rob Berntsson, Big W Law, representing M & D Park, LLC, explained the applicants have a parking problem for their medical practice and have purchased the two lots to the rear, understanding the County's Comprehensive Plan Policy allows for expansion to the rear for US 41 to allow for additional parking. Their intent is to build a parking lot and at some point in the future they may expand their medical practice back there but that is not in the initial plans. Both the parking lot and any development in the future would require going through the Development Review Committee. There are extensive buffer and landscaping requirements to protect the neighborhood from any development. The medical practice is generally an 8:00 a.m. to 5:00 p.m. operation. **Mr. Berntsson** stated they join in the staff report and all the findings made therein. We meet the criteria for the granting of a rezoning and the requirements for the amendment to the Comprehensive Plan; respectfully requesting approval.

Mr. Bigness asked if the buffering would be on two (2) or three (3) sides; **Mr. Berntsson** explained he expected the buffering to be on the three sides not touching US 41. **Mr. Quillen** explained that a Type D Buffer is required along all edges of property abutting a residential use of residential zoning districts; including a 6 ft. high site of screen fence.

Mr. Bigness asked if a business wanted to expand in the future would they have to come before the Board again; **Mr. Berntsson** explained it would only require DRC Review and Building permits.

Mr. Gravesen asked if they have laid out a parking lot to determine how many spaces they would get; with **Mr. Berntsson** stating they had not but with the two oversized lots it will be sufficient.

Mr. Bigness asked about access from US 41 presuming they will come in along the sides; with **Mr. Berntsson** stating they have room to get around the building and can come in through another medical office next to this.

Public Input

Patricia Munson, resident, asked what would be used for a buffer, trees or fences; explaining there are children in the neighborhood. Ms. Munson expressed her desire to keep this residential.

Mr. Gigliotti, resident Lot 62 located next to the proposed parking lot, asked for someone to explain the buffer; with **Mr. Quillen** explaining the requirements for a Type D Buffer. **Mr. Gigliotti** stated the lots are not maintained at this time and expressed his concern with the resale value for his home.

Shelby Jacobson, Lot 65 resident, asked about rumors of a drug rehab to be built on this lot; with **Chair Gravesen** explaining the Board is dealing only with a Plan Amendment to the Future Land Use and the Zoning and that whatever is allowed in the Zoning Code is what would be allowed there.

Shelby Jacobson expressed her concern with property values. We don't agree this will be beneficial for our community.

Eugene Davis expressed his concern with the possibility of a building expansion into this area and stated he is totally against that. This is a residential area with small children and more traffic is not needed; their parking should have been looked at a long time ago.

- **Mr. Vieira** moved to close the public hearing, second by **Mr. McCormick**; with a unanimous vote.

Mr. Berntsson explained he had not heard about a Drug Rehab and that this will be a well-planned out improvement that can be an enhancement to the neighborhood.

Chair Gravesen explained the creation of the US 41 Overlay District with protections not allowing commercial traffic to be emptied out on to the back street(s). There has been development along US 41 that has used that feature, CVS at the corner of Midway and US 41 and the WAWA on US 41 near Midway. This is a Planning method. This will go to the Board of County Commission March 24, 2020 for the public to make their case with evidence to prove their point.

Mr. Bigness stated the buffers are very important and we need to take a close look at those affected and try to minimize that.

Chair Gravesen explained that due to development regulations you generally have about 25% of a site left for building which is why they have a lack of parking; and when this was built they may not have had quite the extensive parking and buffering regulations.

Mr. Berntsson stated they specifically went with the lower zoning; not Commercial General and Commercial Land Use to show this is not a commercial expansion. They are medical uses the parking will be for; that is why we went with the Office Professional and OMI Zoning.

Mr. McCormick asked how long the applicant has owned the property and suggested it would be advisable for all parties to discuss what might make it a more attractive feature in the neighborhood.

Recommendation

Mr. Chandler moved that **PA-19-11-36** be sent to the Board of County Commissioners with a recommendation of Approval based on the findings and analysis in the staff report dated January 31, 2020, the Charlotte County Comprehensive Plan; along with the evidence presented at today's meeting, second by **Mr. Bigness**; and carried by a unanimous vote.

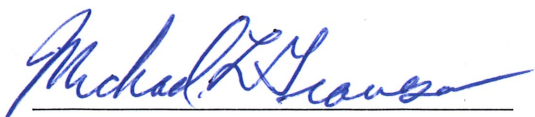
Recommendation

Mr. Chandler moved that **Z-19-11-37** be sent to the Board of County Commissioners with a recommendation of Approval based on the findings and analysis in the staff report dated January 31, 2020, the Charlotte County Comprehensive Plan; along with the evidence presented at today's meeting, second by **Mr. Vieira** with the staff report date to reflect January 31, 2020; and carried by a unanimous vote.

ADJOURNMENT

The Planning and Zoning Board meeting was adjourned at 2:24 p.m.

Accepted on behalf of the Charlotte County
Planning and Zoning Board



Michael Gravesen, Chair